

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

MESSER

PLAINTIFF(S)

VERSUS

CIVIL ACTION NO. 5:09cv152DCB-JMR

WAL-MART STORES, INC.

DEFENDANT(S)

ORDER OF DISMISSAL

The parties having agreed to and announced to the Court a settlement of this case, and the Court being advised that all parties have an informed understanding of their rights and a full appreciation of the consequences of the settlement, and the Court being desirous that this matter be finally closed on its docket,

IT IS, THEREFORE, ORDERED that this case is hereby dismissed with prejudice as to all parties. If any party fails to comply with the terms of this settlement agreed to by all parties, any aggrieved party may reopen the case for enforcement of the settlement agreement, and if successful, all additional attorneys' fees and costs from this date shall be awarded such aggrieved party or parties against the party failing to comply with the agreement. The Court specifically retains jurisdiction to enforce the settlement agreement.

SO ORDERED, this the 5th day of November, 2009.

s/John M. Roper Sr.

UNITED STATES MAGISTRATE JUDGE